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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/899,587

07/05/2001

Richard David Brunt

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7590

02/11/2005

Kenneth J. Stachel
Law Department - The Glidden Company
925 Euclid Avenue
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EXAMINER

SHAAWAT, MUSSA

ART UNIT

PAPER NUMBER

2128

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/899,587

Applicant(s)

BRUNT ET AL.

Examiner

Mussa A Shaawat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>05 July 2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to Application # 09/899,587, filed on July 5, 2001. Claims 1-24 are presented for examination.

Specification

2. The Abstract is objected to because it contains legal phraseology. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Joan A. Schuller et al (US 2001/0047250), herein is referred to as Schuller.

As per claim 1, Schuller teaches a method for producing a colour recommendation for a structure or part of a structure to be painted which comprises the steps of: a) selecting, at a user terminal and from a first database containing at least one image of structural archetypes stored in electronic format on storage means, an archetype image that closely matches the structure to be painted, the first database being located at a server remote from the said user terminal (see paragraph 23, where a user can select from web server database data elements that include room structures and furnishings "structural objects" i.e. structural archetypes, and decorate these elements with decorative materials such as paint, wallpaper and fabric, also see paragraph 70, for storage device to store data);

b) selecting, at the said user terminal, a colour or colours from a second database containing at least one colour stored in electronic format on storage means the second database likewise being located at the remote server (see paragraph 9 lines 7-19, data representing visual characteristics of decorative materials of a structural object are obtained from a database, where visual characteristics and decorative materials include colors, paragraph 8 includes a database server);

c) applying the colour or colours at the remote server to the image to produce a colour scheme (paragraph 28, decorative materials are applied to structural objects,

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decorative material includes color data, i.e. applying color to an image to produce a color scheme);

d) displaying, on a display unit of the user terminal, the structure or part of a structure with the colour applied (see Paragraph 23, Fig 6A-6C, a user interface used by decorating system program to display an image of a room with different structural objects and decorative materials being applied); and

e) providing information from which paint corresponding to the colour or colours in the colour scheme can be identified (see Fig 6A, block 618, shows color display panel with images of many paint colors).

As per claim 2, Schuller teaches a method according to claim 1, where the user terminal is connectable to the remote server via a communication link (see Fig.1 where clients 111, 112, 113 are connected to web server 130 via a communication link).

As per claim 3, Schuller teaches a method according to claim 2, where said communication link is a wide area network (see paragraph 3, Fig.1, shows an internet item 150 connecting the client to the servers, the internet inherently includes a LAN and WAN communication link).

As per claim 4, Schuller teaches a method according to claim 2, where said communication link is a local area network (see paragraph 3, Fig.1, shows an internet item 150 connecting the client to the servers, the internet inherently includes a LAN and WAN communication link).

As per claim 5, Schuller teaches a method according to claim 2, where said communication link is the Internet (see paragraph 3, and Fig.1 item 150 shows an internet connecting the client to server).

As per claim 6, Schuller teaches a method for producing a colour recommendation for a structure or part of a structure to be painted comprising the steps of: a) selecting from a first database containing at least one image of structural archetypes stored in electronic format on optical storage means, an archetype image that closely matches the structure to be painted (see paragraph 23, where a user can select from web server database data elements that include room structures and furnishings "structural objects" i.e. structural archetypes, and decorate these elements with decorative materials such as paint, wallpaper and fabric, also see paragraph 70, for storage device to store data);

b) selecting a colour or colours from a second database containing at least one colour stored in electronic format on an optical storage means (see paragraph 9 lines 7-19, data representing visual characteristics of decorative materials of a structural object are obtained from a database, where visual characteristics and decorative materials include colors, paragraph 8 includes a database server) and applying, at a user terminal, the colour or colours, obtained from the optical storage means, to the image to produce a colour scheme (paragraph 28, decorative materials are applied to structural objects, decorative material includes color data, i.e. applying color to an image to produce a color scheme);

c) displaying the structure or part of a structure with the colour applied (see Paragraph 23, Fig 6A-6C, a user interface used by decorating system program to display an image of a room with different structural objects and decorative materials being applied); and

d) providing information from which paint corresponding to the colour or colours in the colour scheme can be identified (see Fig 6A, block 618, shows color display panel with images of many paint colors).

As per claim 7, Schuller teaches a method according to claim 1, where the structural archetypes are images of a building (see Paragraph 5, et-seq).

As per claim 8, Schuller teaches a method according to claim 1, where the image is of the interior of a building (see paragraph 6, decorating images of a structural objects in a room of a building space).

As per claim 9, Schuller teaches a method claimed of claim 7, where the building is a house (see Paragraph 5, decorating a home).

As per claim 10, Schuller teaches a method according to claim 1, where separate areas of the archetypes can be coloured separately one from another (see paragraph 12, decorative materials can be applied to each selected structural object independent of the decorative materials selected for any other structural object).

As per claim 11, Schuller teaches a method according to claim 10, where the archetype is an interior of a building and the separate areas are walls, doors, coving, ceiling, dado rails, skirting boards, window frames, sills and fireplaces (paragraphs 6, 26 and 35).

As per claim 12, Schuller teaches a method according to claim 1, where the archetype is an interior of a building and also contains furniture or furnishings (paragraphs 5, 6, 23, and 26).

As per claim 13, Schuller teaches a method according to claim 12 where colour can be applied separately to the furniture or furnishings (see paragraph 12, decorative materials can be applied to each selected structural object independent of the decorative materials selected for any other structural object).

As per claim 14, Schuller teaches a method according to claim 1, where images are of photographic quality (Fig 6C, shows photographic quality of images of structural objects in a room inside a home).

As per claim 15, Schuller teaches a method according to claim 1 where the colours are assembled in groups where the colours are complementing or contrasting with one another (9th paragraph; 28th paragraph; 39th paragraph; figure 6C, item 618, shows a color panel or a color picker that allows a user to choose from a sample of different colors available to see the displayed image of a structural object).

As per claim 16, Schuller teaches a method according to claim 1, where the user can enter from his point of access, the image to be coloured in electronic form (9th paragraph; 28th paragraph; 39th paragraph; figure 6C, item 618, shows a color panel or a color picker that allows a user to choose from a sample of different colors available to see the displayed image of a structural object using a Graphical User Interface GUI i.e. image to be colored in an electronic form).

As per claim 17, Schuller teaches a system for producing a colour recommendation for a structure or part of a structure to be painted that comprises: a first database located at a server remote from a user terminal containing at least one image of structural archetypes stored in electronic format on storage means (see paragraph 23, where a user can select from web server database data elements that include room structures and furnishings "structural objects" i.e. structural archetypes, and decorate these elements with decorative materials such as paint, wallpaper and fabric, also see paragraph 70, for storage device to store data);

a second database located at the server remote from the user terminal containing at least one colour stored in electronic format on storage means (see paragraph 9 lines 7-19, data representing visual characteristics of decorative materials of a structural object are obtained from a database, where visual characteristics and decorative materials include colors, paragraph 8 includes a database server);

applying means located within the server to apply at least one colour to said image to produce a colour scheme (paragraph 28, decorative materials are applied to structural objects, decorative material includes color data, i.e. applying color to an image to produce a color scheme); and

display means located at the user to display the structure or part of the structure with the colour applied (see Paragraph 23, Fig 6A-6C, a user interface used by decorating system program to display an image of a room with different structural objects and decorative materials being applied); and said display means being arranged in use to provide information from which paint corresponding to the colour or

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colours in the colour scheme can be identified (see Fig 6A, block 618, shows color display panel with images of many paint colors).

As per claim 18, the limitations of claim 18 are similar to limitations of claim 17; therefore they are rejected based on the same rational, supra.

As per claim 19, the limitations of claim 19 are similar to limitations of claim 7; therefore they are rejected based on the same rational, supra.

As per claim 20, the limitations of claim 20 are similar to limitations of claim 8; therefore they are rejected based on the same rational, supra.

As per claim 21, the limitations of claim 21 are similar to limitations of claim 10; therefore they are rejected based on the same rational, supra.

As per claim 22, the limitations of claim 22 are similar to limitations of claim 12; therefore they are rejected based on the same rational, supra.

As per claim 23, the limitations of claim 23 are similar to limitations of claim 14; therefore they are rejected based on the same rational, supra.

As per claim 24, the limitations of claim 24 are similar to limitations of claim 16; therefore they are rejected based on the same rational, supra.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Brown (US 6,524,107), Apparatus and method for displaying room wall and floor covering arrangements for selection by a purchaser.


Communication

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mussa A Shaawat whose telephone number is (571) 272-3785. The examiner can normally be reached on Monday-Friday (8:30am to 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jean R Homere can be reached on (571) 272-3780. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mussa Shaawat
Patent Examiner
February 2, 2005


JEAN R. HOMERE
PRIMARY EXAMINER